United Nations Convention on the Law of the Sea SPLOS/277

Meeting of States Parties

Distr.: General
14 July 2014

Original: English

Twenty-fourth Meeting
New York, 9-13 June 2014

Report of the twenty-fourth Meeting of States Parties

Contents

		Page
I.	Introduction	2
II.	Organization of work	2
	A. Opening of the Meeting and election of officers	2
	B. Adoption of the agenda and organization of work	2
III.	Credentials Committee	3
	A. Appointment of the Credentials Committee	3
	B. Report of the Credentials Committee	3
IV.	Commemoration of the twentieth anniversary of the entry into force of the United Nations Convention on the Law of the Sea	3
V.	Matters related to the International Tribunal for the Law of the Sea	6
	A. Report of the Tribunal for 2013	6
	B. Financial and budgetary matters	8
VI.	Information on the activities of the International Seabed Authority	11
VII.	Matters related to the Commission on the Limits of the Continental Shelf	13
	A. Information reported by the Chair of the Commission	13
	B. Conditions of service of the members of the Commission	14
VIII.	Elections	16
	A. Election of seven members of the International Tribunal for the Law of the Sea	16
	B. Election of one member of the Commission on the Limits of the Continental Shelf	17
IX.	Report of the Secretary-General under article 319 of the United Nations Convention on the Law of the Sea	18
X.	Other matters	20

14-57479 (E) 250714

Please recycle

I. Introduction

1. The twenty-fourth Meeting of States Parties to the United Nations Convention on the Law of the Sea[1] was held at United Nations Headquarters from 9 to 13 June 2014, in accordance with article 319, paragraph 2 (e), of the Convention and paragraph 40 of General Assembly resolution 68/70.

2. The Meeting was attended by the representatives of States Parties to the Convention[2] and observers, including the International Seabed Authority, the Commission on the Limits of the Continental Shelf[3] and the International Tribunal for the Law of the Sea.[4,5]

II. Organization of work

A. Opening of the Meeting and election of officers

3. Ferit Hoxha (Albania), President of the twenty-third Meeting of States Parties, opened the twenty-fourth Meeting.

4. The Meeting observed a minute of silent prayer or meditation.

5. The Meeting elected Jeremiah Nyamane Kingsley Mamabolo (South Africa) as President of the twenty-fourth Meeting of States Parties, by acclamation.

6. The Meeting elected Melivia Demetriou (Cyprus), Patricio Troya (Ecuador), Aleksas Dambrauskas (Lithuania) and Anniken Enersen (Norway) as Vice-Presidents, by acclamation.

Statement by the President

7. The President noted the continued steady progress towards the goal of universal participation in the Convention, recalling that since the previous Meeting one more State, the Niger, had ratified the Convention, bringing the total number of Parties to 166, including the European Union. Drawing attention to the twentieth anniversary of the entry into force of the Convention and to the sixth observance of World Oceans Day, he pointed out that a strong and universally accepted and implemented international legal regime applicable to the oceans was essential for the maintenance of international peace and security and for the sustainable use of ocean resources, navigation and protection of the marine environment.

B. Adoption of the agenda and organization of work

8. The President introduced the provisional agenda (SPLOS/L.73), proposing the inclusion of an additional agenda item entitled "Commemoration of the twentieth anniversary of the entry into force of the United Nations Convention on the Law of the Sea". The agenda was then adopted, as amended (SPLOS/273).

---

[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.

[2] See rule 5 of the Rules of Procedure for Meetings of States Parties (SPLOS/2/Rev.4).

[3] See rule 18 of the Rules of Procedure.

[4] See rule 37 of the Rules of Procedure.

[5] For a list of participants at the twenty-fourth Meeting of States Parties, see SPLOS/INF/28.

9. Following consultations with the Bureau, the President made proposals regarding the organization of work. The Meeting approved the organization of work on the understanding that it could be adjusted, as necessary, in order to ensure the efficient conduct of the Meeting.

III. Credentials Committee

A. Appointment of the Credentials Committee

10. On 9 June 2014, pursuant to rule 14 of its rules of procedure (SPLOS/2/Rev.4), the Meeting appointed a Credentials Committee consisting of the following nine States Parties: Angola, Argentina, Australia, Czech Republic, Denmark, Kenya, Iraq, Paraguay and Viet Nam. The Credentials Committee held one meeting on 10 June 2014 and elected Bjørn Kunoy (Denmark) as its Chair.

B. Report of the Credentials Committee

11. The Chair of the Credentials Committee introduced the report of the Committee (SPLOS/274) on 11 June 2014. He stated that the Committee had examined and accepted the credentials of representatives to the twenty-fourth Meeting from 155 Parties, including the European Union. He also pointed out that, following the meeting of the Committee, additional information concerning the appointment of representatives had been received from Belize, Liberia, Marshall Islands, Papua New Guinea and Saint Kitts and Nevis. Consequently, the total number of credentials received was 160, of which 94 were in due form and 66 were received on the understanding that formal credentials would be communicated to the Secretariat as soon as possible.[6]

12. The Meeting then approved the report of the Credentials Committee.

13. On 12 June 2014, the Chair of the Committee updated the Meeting on the receipt of information concerning the appointment of the representatives of Dominica. The Meeting took note of that information on the understanding that formal credentials would be communicated to the Secretariat as soon as possible. Consequently, 161 Parties participated in the Meeting.

IV. Commemoration of the twentieth anniversary of the entry into force of the United Nations Convention on the Law of the Sea

14. On 9 June 2014, the Secretary-General of the United Nations opened the commemoration of the twentieth anniversary of the entry into force of the Convention. Referring to the Convention as one of the most significant and visionary multilateral instruments of the twentieth century, the Secretary-General highlighted its critical importance for the peaceful uses of the oceans, equitable utilization of their resources, conservation of their living resources and the study,

[6] Following the approval of the report of the Credentials Committee, the Secretariat received formal credentials, which replaced the provisional ones, from Chile and Costa Rica.

protection and preservation of the marine environment. He noted that most of the provisions of the Convention, traditionally referred to as the "Constitution for the oceans", were now widely recognized as reflecting customary international law and that the Convention had shown its dynamic character through its ability to address new challenges. The Secretary-General encouraged States to recommit to the task of implementing the Convention in order to protect and safeguard oceans for the benefit of all humanity, for generations to come. He expressed concern regarding the many pressures facing the oceans as a result of overfishing, ocean acidification, land-based activities and, above all, climate change. He also emphasized the critical role of oceans in the achievement of the Millennium Development Goals and in the post-2015 development agenda.

15. In commemorating the twentieth anniversary of the Convention, delegations underscored its achievements as the "Constitution for the oceans". In particular, they recalled that it set out the legal framework within which all activities in the oceans and seas must be carried out and its universal and unified character.

16. Delegations highlighted the fact that the Convention represented one of the most successful international treaties ever negotiated and a milestone for international cooperation. The Convention contributed to the strengthening of international peace and security, the equality of rights in the use of ocean resources, the promotion of economic advancement and protection of the marine environment. Several delegations paid tribute to the work of the drafters of the Convention, in particular the contribution of Ambassador Arvid Pardo of Malta.

17. Reference was made to the universality of the Convention, with many delegations emphasizing that its provisions had codified existing customary international law or had developed into customary international law. Delegations reaffirmed their commitment to its further implementation. Delegations welcomed the Niger as the newest party to the Convention and called upon States that had not yet done so to become parties to the Convention.

18. Delegations emphasized that the problems of ocean space were closely interrelated and needed to be considered as a whole, as provided for in the Convention. In this regard, the delicate balance between the interests of ocean users achieved under the Convention was highlighted, with attention being drawn by several delegations to specific provisions in the Convention, including those regulating the establishment of the exclusive economic zone, freedom of navigation and the common heritage of mankind. The role of the Convention in sustainable development and in promoting the equitable sharing of ocean resources was emphasized. In this connection, it was noted by some delegations that equitable sharing not only implied disbursement of resources between countries, but also had an intergenerational dimension.

19. Several delegations underlined the need for oceans to be at the centre of the post-2015 development agenda, including through a stand-alone goal under the sustainable development goals. A view was expressed that a new strategy was needed to provide a global vision as to how to make the best possible economic use of the oceans, while ensuring the sustainable use of living and non-living resources.

20. Several delegations highlighted the importance of the oceans for the development of national economies and elaborated on the role of the Convention in the development of their marine resources, the establishment of their maritime

zones, the exploration and exploitation of the continental shelf and the establishment of control over and access to fishing areas. Several delegations emphasized the crucial role of the Convention in efforts to promote the peaceful resolution of disputes, the maintenance of maritime security and the delimitation of maritime boundaries.

21. Delegations underscored the continued relevance and importance of the Convention and reiterated the need to strengthen and maintain its integrity. In this connection, several delegations stated their firm belief that the legal framework established by the Convention contained no gaps, emphasizing that even though certain activities might lack specific regulation, such activities fell nevertheless under the overall framework of the Convention and could be further regulated through an implementing agreement. A view was expressed that matters not regulated by the Convention should continue to be governed by the rules and principles of general international law, as this was in line with the principles of the international rule of law.

22. Several delegations noted technical advances and progress in the knowledge and understanding of the oceans since the drafting of the Convention. In that regard, several delegations emphasized that the Convention was a living instrument, which was flexible enough to adapt to new challenges that had emerged after its adoption, including new uses.

23. Many delegations drew specific attention to issues and gaps concerning marine biodiversity in areas beyond national jurisdiction, including marine genetic resources, which could potentially be addressed by a new implementing agreement within the framework of the Convention.

24. Existing challenges in ocean issues, including in the implementation of the Convention were also highlighted by delegations. Several delegations raised concerns regarding illegal, unreported and unregulated fishing and the consequent threat that the depletion of fish stocks posed to global food security. Delegations also raised concerns about maritime crime, including piracy and illicit trafficking in narcotics and people, and emphasized the need to keep maritime zones safe and secure for international transport. Attention was drawn to the need for greater efforts in the protection of the marine environment. Delegations also noted their ongoing efforts to integrate the Convention into national laws or otherwise ensure its implementation at the national level.

25. Several delegations elaborated on their efforts to promote implementation of the Convention through capacity-building initiatives. Other delegations stressed the need for further efforts to promote capacity-building to combat poverty and assist developing countries in the implementation of the Convention and the development of their marine resources, including through the transfer of technology and training. Attention was drawn to the importance of the Convention for small island developing States and the fact that 2014 marked the International Year of Small Island Developing States. Some delegations noted the need to consider the interests of landlocked States and called for the elimination of cumbersome trade barriers.

26. Delegations recalled the important role of the three institutions established under the Convention, the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental

Shelf, and commended the contribution of those institutions to the legal order established by the Convention.

27. It was noted in this regard that the increasing number of cases brought before the Tribunal was a testament to its success, although the Tribunal still had not reached its full potential.

28. Attention was also drawn to the twentieth anniversary of the entry into force of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 and the establishment of the Authority.

29. The significant workload of the Commission was acknowledged by several delegations. A view was expressed that States Parties should take pragmatic actions to enable the Commission to continue to perform its functions expeditiously, efficiently and effectively. Some delegations expressed concern over the conditions of service for members of the Commission, including with regard to medical insurance, and called on States to improve their conditions of service. Gratitude was expressed to States who had contributed to the Trust Fund for defraying the cost of participation of the Commission members from developing States.

30. Appreciation was expressed to the Division for Ocean Affairs and the Law of the Sea for the high level of services provided to States Parties and the Commission.

31. Attention was also drawn to the trust funds administered by the Division and the need for States to ensure their viability and continued support. A call for contributions to the Hamilton Shirley Amerasinghe Fellowship was made, emphasizing the importance of the fellowship in the dissemination of knowledge and research on ocean issues.

V. Matters related to the International Tribunal for the Law of the Sea

A. Report of the Tribunal for 2013

32. The President of the Tribunal, Judge Shunji Yanai, introduced the annual report of the Tribunal for 2013 (SPLOS/267) and provided an overview of its judicial activities and the work carried out during the two sessions devoted to legal and organizational and administrative matters held since the twenty-third Meeting, namely the thirty-fifth and thirty-sixth sessions.

33. The President noted the continued increase in the judicial activities of the Tribunal, drawing attention to the fact that in 2013 the Tribunal had handled four cases involving a wide range of substantive and procedural issues. These issues encompassed provisional measures for the release of a detained vessel and persons on board; the lawfulness of the arrest and confiscation of a vessel; the status of bunkering in support of foreign vessels fishing in the exclusive economic zone; reparation for damage and illegal, unreported and unregulated fishing. From the procedural point of view, the Tribunal had dealt with two cases on the merits, one urgent proceeding and one advisory opinion. The President recalled that two of those cases were completed in 2013 and one in 2014, noting that the hearing

concerning the request for an advisory opinion submitted by the Subregional Fisheries Commission (case No. 21) would be held in September 2014.

34. The President outlined the capacity-building and training activities undertaken by the Tribunal in 2013. In particular, he informed the Meeting that the Tribunal continued to hold regional workshops to provide representatives of States with information on the jurisdiction of the Tribunal and the procedural rules applicable to cases before it. In this connection, he recalled that the latest regional workshop had been held in Mexico City in June 2013 and that the next two workshops would be held in Kenya and Ghana in 2014.

35. In the ensuing discussions, several delegations reaffirmed their support for the work of the Tribunal and expressed appreciation for its work and timely and efficient handling of cases. They acknowledged the increasingly important role of the Tribunal in the peaceful settlement of maritime disputes and the rule of law at sea, as well as in the interpretation and application of the Convention, reflected in the increasing number of cases dealing with a wider range of issues before the Tribunal. Some delegations also expressed the hope that the Tribunal would play an even greater role in the future development of the law of the sea. In this connection, a suggestion was made that more States Parties should refer their disputes to the Tribunal, rather than to arbitral tribunals, under the Convention.

36. Several delegations observed that the acceptance by States Parties of compulsory dispute settlement procedures represented a major achievement of the Convention. The importance of participating in such procedures and complying with the binding decisions resulting therefrom was emphasized, as was the need to avoid abuse of the limitations and exceptions to the compulsory procedures entailing binding decisions provided for under the Convention.

37. With reference to the request for an advisory opinion from the Subregional Fisheries Commission (case No. 21), some delegations underlined the importance of advisory opinions in strengthening the rule of law. A view was expressed that the advisory opinion might play an important role in shaping international efforts to combat illegal, unreported and unregulated fishing. Some delegations noted that the Tribunal sought the views of States Parties and international organizations on this matter, while others observed that the advisory jurisdiction of the Tribunal as a whole remained disputed.

38. Concern was expressed over the delayed payment of financial contributions to the Tribunal and a call was made to States Parties for their continued support to the Tribunal, including through making their payments in full and on time.

39. Several delegations noted with appreciation the capacity-building efforts of the Tribunal, in particular its regional workshops, and expressed gratitude to those who had made contributions to such activities. Some delegations reaffirmed their support for the work of the Tribunal through financial contributions to both the capacity-building activities and the Trust Fund, as well as the nomination of members of the Tribunal.

40. The Meeting took note of the report of the Tribunal for 2013.

B. Financial and budgetary matters

1. Report on budgetary matters for the financial periods 2011-2012 and 2013-2014

41. The Registrar of the Tribunal introduced the report on budgetary matters for the financial periods 2011-2012 and 2013-2014 (SPLOS/268), covering the matters outlined below.

(a) Surrender of cash surplus for the financial period 2011-2012

42. The Registrar recalled that the cash surplus for the 2011-2012 financial period as at 31 December 2013 amounted to €879,051. The Tribunal had proposed that the amount be surrendered to States Parties and deducted from their contributions for 2015 and for earlier financial periods, where applicable.

43. The Meeting decided that an amount of €529,051 would be surrendered and deducted from the contributions of States Parties for 2015, in accordance with financial regulation 4. It further decided that the remaining amount of €350,000 would be transferred, on an exceptional basis, to the Working Capital Fund to cover expenses related to cases, to the extent that such expenses could not be met from the budget lines concerning case-related costs (see SPLOS/275).

(b) Provisional performance report for 2013

44. The Registrar recalled that the total expenditure for 2013 provisionally amounted to €9,696,296, which represented 90.26 per cent of the appropriations in the amount of €10,742,633 approved for that year. It was noted that the underperformance was primarily due to savings under "case-related costs" of €663,281, part of which would be used to cover expenses relating to deliberations in case No. 21 in 2014. If case-related costs were excluded, expenses would amount to 95.12 per cent of the appropriations.

45. In the ensuing discussions, some delegations encouraged the Tribunal to continue its efforts to realize savings and ensure the optimal use of resources, especially in light of the financial constraints faced by Governments worldwide. A view was expressed that implementation rates for certain items had improved and that past performance rates should be reflected in future reports on budgetary matters. The Registrar cautioned against assessing overall performance based solely on performance rates in 2013 and explained that lower performance rates on some budget lines were the result of unforeseen circumstances.

46. In relation to the pension scheme for judges, the possibility of establishing a pension fund to reduce costs in future years was suggested. In response, the Registrar noted that the current pension scheme had been adopted by the Meeting and that there had been no proposals for alternative arrangements.

(c) Report on action taken pursuant to the financial regulations of the Tribunal

47. The Registrar outlined the information contained in section III of document SPLOS/268 concerning the investment of funds of the Tribunal and the status of the Trust Fund for the Law of the Sea, the Nippon Foundation Trust Fund and the China Institute of International Studies Trust Fund.

48. In the ensuing discussions, several delegations expressed concerns over arrears in the payment of assessed contributions and reiterated their appeal to States Parties to honour their commitments and make outstanding contributions in full and on time. Delegations expressed appreciation for the action taken by the Registrar in that respect and urged him to continue efforts to collect outstanding contributions.

49. The Meeting took note with satisfaction of the report on budgetary matters for the financial periods 2011-2012 and 2013-2014 (SPLOS/268).

2. Draft budget proposals for the Tribunal for 2015-2016

50. The Registrar introduced the draft budget proposals for the Tribunal for the financial period 2015-2016 (SPLOS/2014/WP.1). The proposed budget in the amount of €20,045,300 (see SPLOS/2014/WP.1, annex I), represented a decrease of €1,193,820 compared to the budget approved for the 2013-2014 period (SPLOS/250).

51. The Registrar underlined that the part of the budget proposals concerning recurrent expenditures was based on the same level of expenditures as that included in the budget for the 2013-2014 biennium.

52. He noted that the increases in the costs for judges due to higher travel costs for meetings and daily subsistence allowance had to be considered against the decreases resulting from exchange rate fluctuations, changes in the post adjustment factor and the circumstance that no election would be held for the position of President of the Tribunal in the 2015-2016 period. He drew attention also to the increase in pensions for up to seven retiring judges, noting that the exact amount could be calculated only after establishing the exact number of judges that would retire following the outcome of the election of seven members of the Tribunal by the twenty-fourth Meeting.

53. With respect to case-related costs, the Registrar described the expected preparations related to case No. 21 in 2014 and other judicial work and the calculation of costs for three urgent proceedings. He proposed that the Meeting consider funding one of the urgent cases through the Working Capital Fund by transferring a portion of the 2011-2012 cash surplus to the Fund and surrendering the remainder to States Parties.

54. Regarding staff costs, the Registrar noted an increase of approximately €400,000, resulting from appropriations based on the United Nations standard costs, over which the Tribunal had no control. An additional increase was due to the proposed creation of a new post at the G-6 level and the reclassification of one post from the G-7 level to the P-2 level. Those increases were partly offset by decreases across separate lines of the budget for recurrent expenditures.

55. Regarding operating expenditures, the Registrar noted that maintenance of the premises comprised approximately three quarters of the operating expenditures of the Tribunal. He described increases due, for example, to the renewal of contracts for the management and security of the premises and decreases in certain costs, such as utilities.

56. In the ensuing discussions, delegations posed a number of questions and made proposals with a view to further clarifying the proposed budget. Many delegations

expressed their appreciation for the efforts of the Tribunal to reduce its budget as compared to previous years.

57. Several delegations supported the draft budget as proposed and noted, in this context, the increased workload of the Tribunal and the need to support and strengthen its activities. Other delegations proposed a reduction in the new budget proposal in light of the underperformance of approved budget lines in the past. Some delegations also opposed any increase in the Working Capital Fund.

58. Concerning the principles that should be applied in the preparation of the budget, several delegations emphasized that a zero-growth approach should not apply to the budget, noting the importance of safeguarding the independence of the Tribunal. Several delegations expressed the need to strike a balance between the principle of zero nominal growth and the evolutionary approach.

59. Further discussions on these matters were held in the context of the Open-ended Working Group on financial and budgetary matters. On the basis of the recommendation of the Working Group, the Meeting adopted, by consensus, a decision in which it approved the amount of €18,886,200 as the budget of the Tribunal for 2015-2016 (SPLOS/275). The decision resulted in a reduction of €1,159,100 from the budget amount proposed by the Tribunal (SPLOS/2014/WP.1) and a decrease of €2,352,920 from the budget for the financial period 2013-2014 (SPLOS/250).

3. Proposal by the United Kingdom of Great Britain and Northern Ireland for a mechanism to scrutinize budgets of the International Tribunal for the Law of the Sea

60. The President of the Meeting recalled that, at the twenty-third Meeting, the United Kingdom of Great Britain and Northern Ireland had introduced a proposal for a mechanism to scrutinize budgets of the International Tribunal for the Law of the Sea (SPLOS/260 and Corr.1). The President also recalled that the United Kingdom had presented a new proposal on the same matter, contained in document SPLOS/271, regarding the establishment of a facilitation group aimed at improving the understanding of States Parties as to how the Tribunal arrived at a draft budget. The United Kingdom explained that such a facilitation group would not have any mandate to negotiate changes in the draft budget or make recommendations, but would provide an opportunity for delegations to ask questions of the Registrar of the Tribunal about the proposed budget.

61. In the ensuing debate, delegations emphasized the need for transparency and accountability in the budget approval process and for efficiency in the consideration of draft budgets. Some delegations expressed concern with regard to the existing budget approval process and expressed their general support for the proposal. In this context, the need for vigilance in budgetary matters and the benefits of supplementary and informal means or mechanisms to consider the draft budget of the Tribunal were emphasized. It was also suggested that all options to improve the process should be considered, such as creating a subsidiary body to review the draft budgets or expanding the mandate of the Open-ended Working Group on financial and budgetary matters.

62. Other delegations expressed their support for the existing procedures and raised specific concerns regarding the proposal, such as the possibility of adding

complexity, duplicating work or weakening the level of scrutiny in the budget approval process. Delegations indicated that the Open-ended Working Group on financial and budgetary matters had the necessary mandate for detailed deliberations on any budget proposal and that the process was already legitimate, transparent and inclusive.

63. According to some delegations, the discussions on the draft budget proposals for the Tribunal for the financial period 2015-2016 had been very fruitful and demonstrated the value of the Open-ended Working Group on financial and budgetary matters. Other delegations suggested that this experience had confirmed the need for improvements in the process, given the length of time taken during the discussions and the desire for greater understanding of the budget preparation process.

64. Some delegations suggested that any concerns over the budget approval process could be addressed through improvements to existing procedures. In this context, it was noted that the draft budget was published well in advance of the Meeting and that, in the interim, States Parties had an opportunity to ask the Registrar questions in writing. Delegations suggested that the process could be further improved if responses to those questions could be circulated to all States Parties. It was also suggested that there was a need to improve the process for proposing amendments to any draft budget. It was proposed that interested delegations should submit proposals or engage in informal discussions on how to improve the process.

65. Some delegations asked whether consideration could be given to adjusting the organization of work for the Meeting of States Parties so that discussions on the budget could begin earlier and more time could be devoted to the consideration of these matters. A suggestion was made that at the next Meeting a separate agenda item should be devoted specifically to the budget approval process.

66. The Meeting decided to remain seized of the matter and to include the item in the provisional agenda of the twenty-fifth Meeting of States Parties.

VI. Information on the activities of the International Seabed Authority

67. The Secretary-General of the Authority, Nii Allotey Odunton, provided information on the activities carried out by the Authority since the twenty-third Meeting of States Parties.

68. The Secretary-General encouraged all States Parties to attend the upcoming twentieth session of the Authority, recalling that its agenda would include election of the members of the Council for the period 2015-2018; the consideration and approval of the 2015-2016 budget; the development of regulations for the exploitation of mineral resources; and a special session to commemorate the twentieth anniversary of the establishment of the Authority. He also appealed to States Parties that were in arrears to pay their contributions to the budget of the Authority, noting that, according to the rules of procedure of the General Assembly (A/520/Rev.17), a State Party in this position would have no voting rights. A further appeal was made to States that were not yet party to the Part XI Agreement to become a party to it.

69. The Secretary-General recalled that, as at 19 May 2014, 16 exploration contracts were in force, covering about 900,000 square kilometres in the Atlantic, Indian and Pacific Oceans, with 12 contracts covering polymetallic nodules and two each for polymetallic sulphides and cobalt-rich ferromanganese crusts. In this connection, he added that seven pending contract applications were to be considered during the twentieth session. Their approval would bring the total number of contracts for exploration to 26. He observed that the growing number of exploration contracts in force would have a significant impact on the workload of the Secretariat and of the Legal and Technical Commission. In this regard, he recalled that, at its nineteenth session, the Assembly of the Authority had adopted a decision requiring all contractors to pay an overhead charge that would allow the Authority to ensure sufficient resources to administer and supervise those contracts. At the twentieth session of the Authority, the Secretary-General will report on the implementation of the decision concerning overhead charges, in particular with respect to contracts which were already in force at the time of the decision.

70. Commenting on the experience gained in connection with the work of contractors, the Secretary-General emphasized that it had become clear that contractors required standardized data and information. In this connection, referring to environmental protection and preservation as an example, he noted the need for standardized taxonomy for three classes of fauna: megafauna, macrofauna and meiofauna with respect to each of the three mineral resources for which the Authority was developing regulations. He informed the Meeting that the Authority was pursuing its efforts to standardize the taxonomy of these classes of fauna in collaboration with contractors and the scientific community, including through a number of standardization workshops. The need for standardization in the information which contractors would have to provide to the Secretary-General of the Authority upon the expiration of their contracts was also highlighted. In this regard the Secretary-General informed the Meeting that a workshop would be convened with contractors involved in the exploration for polymetallic nodules.

71. Delegations expressed appreciation for the work of the Authority and congratulated it on the occasion of the twentieth anniversary of its establishment, underscoring its contribution to the success of the Convention.

72. Some delegations reiterated their concern with regard to the low attendance at the sessions of the Authority and expressed appreciation for the continuing efforts of the Authority to address this issue through adjustments in its programme of work.

73. Support was expressed for the work that the Authority had started on the development of an exploitation code for marine minerals in the Area. In this regard, some delegations noted with appreciation the efforts of the Authority to seek the opinions and views of all stakeholders in the processes leading to the elaboration of those regulations. The view was expressed that the regulations should be in line with industrial and technological developments, while reflecting a rational balance between sound commercial interests, sustainable exploitation and the protection and preservation of the marine environment.

74. Some delegations noted the high number of applications for approval of plans of work for exploration pending before the Authority, including one from a small island developing State. The increase in both activity and contractors in the Area was considered to represent an expression of confidence in the regime established for the Area. In this connection, it was acknowledged that the growing number of

applications necessarily entailed an increase in the workload of the Legal and Technical Commission and the Council. In this regard, support was expressed for the efforts of the Authority regarding standardization of the data and information required for the consideration of applications. The view was expressed that the growing number of applications also reinforced the central role of the Authority in ensuring global cooperation in activities in the Area. Some delegations informed the meeting of upcoming national colloquiums to build interest in the economic opportunities related to the Area.

75. Some delegations noted that the early contracts for the exploration of polymetallic nodules were scheduled to expire in the coming years. In this connection, it was suggested that contractors should be granted the right to request the extension of their respective contracts if they had not yet reached the commercial exploitation stage.

76. Some delegations welcomed the work of the Authority concerning taxonomic standardization of species in the Area. The important role of the Authority in ensuring the environmental protection aspects of activities in the Area was noted, specifically with regard to the development of scientific knowledge of the unique ecosystems and biological communities occurring in potential sites for seabed mining activities. A view was expressed that the competence of the Authority should be extended in order to ensure sustainable use of biological resources in the Area.

77. It was stressed that further contributions to the Endowment Fund were needed, as it enhanced the capabilities of developing countries to participate in fellowships and training programmes.

VII. Matters related to the Commission on the Limits of the Continental Shelf

A. Information reported by the Chair of the Commission

78. The Chair of the Commission, Lawrence Folajimi Awosika, made a statement providing information on the activities carried out by the Commission since the twenty-third Meeting of States Parties, drawing particular attention to the issue of the conditions of service of the members of the Commission.[7]

79. In the ensuing discussion, delegations highly commended the work of the Commission, especially in the light of the ever-increasing workload, and its role in the implementation of the legal order of the oceans established by the Convention.

80. Delegations welcomed the decision of the Commission, during its thirty-second session, to hold 21 weeks of meetings during 2014 and they encouraged the Commission to maintain this level, as a minimum, for the remainder of the current term of the Commission. Delegations also welcomed the decision of the Commission, during its thirty-fourth session, to increase to nine the number of subcommissions actively considering submissions.

[7] See SPLOS/270. For more information on the work of the Commission during its thirty-second, thirty-third and thirty-fourth sessions, see CLCS/80, CLCS/81 and CLCS/83.

81. Concern was raised by some delegations with regard to the fact that some submissions were being deferred, seemingly indefinitely, as a result of objections made by third States under rule 46 and annex I to the rules of procedure of the Commission (CLCS/40/Rev.1).[8] It was observed that none of the disputes that had led to the deferral of submissions had been resolved, leading to further deferrals. In this regard, a view was expressed that the Commission should continue to work in accordance with its rules of procedure and the Convention.

82. Concern was also raised by several delegations with regard to the non-attendance of some members of the Commission, noting that this exacerbated the workload issues faced by the Commission. A delegation expressed its support for the decision of the Commission to remove such members from holding any role of officer within the Commission and its subsidiary bodies.

83. Delegations noted with appreciation the high quality of the services rendered by the Division for Ocean Affairs and the Law of the Sea as secretariat of the Commission, in particular noting that its work had facilitated the increased work pace of the Commission.

84. The Meeting took note of the information reported by the Chair of the Commission.

B. Conditions of service of the members of the Commission

85. The co-coordinators of the Open-ended Working Group on the conditions of service of the Commission, established by the twenty-third Meeting, Tomas Heidar (Iceland) and James Wakweru (Kenya), informed the Meeting about the work carried out by the Working Group since the last Meeting. In particular, they drew attention to a draft decision proposed by the Working Group, as contained in document SPLOS/L.74. The co-coordinators emphasized that the mandate of the Working Group encompassed a large number of issues pertaining to the conditions of service of the members of the Commission, the most urgent being medical insurance coverage while the members were carrying out their duties at United Nations Headquarters. The Working Group had therefore decided to focus its initial work on that issue, although it remained committed to addressing all other issues related to the conditions of service of the members of the Commission.

86. The Secretariat informed the Meeting of its findings concerning the options for providing medical insurance coverage to members of the Commission from developing States, whose participation might be facilitated through the voluntary trust fund for the participation of the members of the Commission from developing States in the meetings of the Commission, while carrying out their Commission duties at United Nations Headquarters (see para. 78 of General Assembly resolution 68/70).

87. In this connection, the Secretariat stated that under the existing terms of reference, the trust fund could not be used to defray the costs of medical and dental insurance. The broadening of the terms of reference to include such coverage would require a decision by the General Assembly. The Meeting was informed that the health insurance programme administered by the United Nations at Headquarters

[8] See also para. 113 below.

was currently limited to staff members and retirees. However, the Organization was in the process of examining ways in which it could facilitate access to health insurance for short-term periods for non-staff personnel, if no other insurance coverage was carried by such personnel, a development that might be of future relevance for the members of the Commission.

88. The Secretariat also provided the Meeting with an overview of the status of the trust fund, informing the Meeting that contributions had been received from China, Iceland, Ireland, Japan, Mexico and the Republic of Korea since the last Meeting. The Secretariat stated that the funds currently available would enable the trust fund to ensure financial assistance through the end of 2015, provided that the number of requests for financial assistance did not increase. Additional contributions were therefore needed to ensure the ability of the Commission to fulfil its mandate beyond that time, especially if the terms of reference of the trust fund were to be broadened through including coverage of the costs related to medical insurance.

89. In the ensuing discussion, several delegations noted that, since the Commission had modified its working methods and extended the number and length of its sessions, in accordance with the request of the twenty-first Meeting (see para. 1 of SPLOS/229), the Parties had had to ensure adequate conditions of service for the members of the Commission.

90. Several delegations emphasized that, in accordance with Annex II to the Convention, it was the obligation of nominating States to defray the expenses of the members of the Commission while carrying out Commission duties. Several delegations also emphasized the important role of the trust fund in enabling the participation of members of the Commission nominated by developing States and called for further contributions.

91. Delegations drew attention to the issues related to the conditions of service of the Commission other than medical insurance coverage and welcomed the continued work of the Working Group to address those issues in this regard. Noting the importance of the work of the Commission, a suggestion was made that permanent financing of the Commission, including through the regular budget of the United Nations, was an option.

92. On the basis of the draft prepared by the Working Group, the Meeting adopted, by consensus, a decision on the conditions of service of the members of the Commission on the Limits of the Continental Shelf (SPLOS/276).

93. In accordance with the aforementioned decision, the Working Group will continue consideration of other conditions of service of the Commission, as stipulated in paragraph 77 of the report of the twenty-third Meeting (SPLOS/263).

94. The Meeting decided to appoint Alexandra Lennox-Marwick (New Zealand) as co-coordinator to replace Mr. Heidar who, following his election as a member of the Tribunal, would not be able to continue as co-coordinator.[9]

[9] See para. 103 below.

VIII. Elections

95. Two elections were held during the Meeting, namely the election of seven members of the Tribunal and the election of one member of the Commission.

A. Election of seven members of the International Tribunal for the Law of the Sea

96. On 11 June 2014, the Meeting proceeded with the election of seven members of the Tribunal to fill the seats of those members whose terms of office would expire on 30 September 2014. The elections were held in accordance with article 4, paragraph 4, of the Statute of the Tribunal (Annex VI to the Convention). Members of the delegations of France, Guatemala, Malawi, Lithuania and Thailand acted as tellers.

97. The President recalled that the Registrar of the Tribunal, in accordance with the Statute of the Tribunal, had addressed a note to the States Parties to the Convention on 16 December 2013, inviting them to submit the names of candidates between 12 January and 12 March 2014 for election to the Tribunal.

98. The President referred to documents SPLOS/264 (note by the Registrar of the Tribunal on election procedures), SPLOS/265 (list of candidates to the Tribunal nominated by States parties) and SPLOS/266 (curricula vitae of the candidates).

99. The President informed the Meeting of the election procedures, recalling the relevant provisions of the Convention and the rules of procedure for Meetings of States Parties.

100. Concerning the composition and membership of the Tribunal, the President recalled articles 2 and 3 of the Statute of the Tribunal, noting in particular that in accordance with article 3, paragraph 2, there should be no fewer than three members from each geographical group, as established by the General Assembly. He also noted that for the purpose of conducting the election of the seven members of the Tribunal at the twenty-fourth Meeting, the arrangement for the allocation of seats on the Tribunal and the Commission (see SPLOS/201) would apply.

101. He stated that, consequently, the regional allocation of the seven seats for the election would be as follows: two members from the Group of African States; two members from the Group of Asia-Pacific States; one member from the Group of Eastern European States; one member from the Group of Latin American and Caribbean States; and one member from the Group of Western European and other States.

102. The Meeting agreed that the election would be based on the confirmed regional allocation of seats and that the election would be conducted in one step. The Meeting also agreed that five separate ballot papers would be distributed, each containing the list of candidates from one of the five regional groups. The Meeting further agreed that balloting would continue until the requisite number of candidates for each regional Group obtained the highest number of votes and the required majority.

103. After the completion of the voting process, the President announced the election of the following seven members of the Tribunal for a nine-year term of office commencing on 1 October 2014: Alonso Gómez-Robledo Verduzco (Mexico);

Tomas Heidar (Iceland); Albertus Jacobus Hoffmann (South Africa); James Luta Kateka (United Republic of Tanzania); Jin-Hyun Paik (Republic of Korea); Stanisław Michał Pawlak (Poland); and Shunji Yanai (Japan) were elected.[10] On behalf of the Meeting, the President congratulated the members on their election.

B. Election of one member of the Commission on the Limits of the Continental Shelf

104. On 12 June 2014, the Meeting proceeded with the election of one member of the Commission to fill the vacancy which resulted from the resignation of Sivaramakrishnan Rajan (India) on 23 February 2014. The election was held in accordance with article 2, paragraph 3, of Annex II to the Convention. Members of the delegations of France, Guatemala and Lithuania acted as tellers.

105. The President recalled that the Secretary-General of the United Nations had addressed a note to the States Parties to the Convention on 27 February 2014, in accordance with article 2, paragraph 2, of Annex II to the Convention, inviting them to submit between 3 March and 2 June 2014 the names of candidates for election to the Commission.

106. The President referred to documents SPLOS/269 (note by the Secretary-General on the election of one member of the Commission on the Limits of the Continental Shelf), SPLOS/272 (list of candidates to the Commission nominated by States parties) and the curriculum vitae of the candidate nominated for the election (circulated electronically in advance of the Meeting — see www.un.org/depts/los/meeting_states_parties/twentyfourthmeetingstatesparties.htm).

107. The President informed the Meeting of the election procedures, recalling the relevant provisions of the Convention and the rules of procedure for Meetings of States Parties.

108. After the completion of the voting process, the President announced the election of Rasik Ravindra (India) as a member of the Commission.[11] Mr. Ravindra

[10] The Secretariat verified the quorum required for the election. The election required one round of balloting. For the Group of African States, out of 159 ballots cast, with 0 invalid ballots and 3 abstentions, a majority of 104 votes was required for election. Having obtained the required majority of votes, Albertus Jacobus Hoffmann (South Africa) (154 votes) and James Luta Kateka (United Republic of Tanzania) (152 votes) were elected. For the Group of Asia-Pacific States, out of 159 ballots cast, with 2 invalid ballots and 0 abstentions, a majority of 105 votes was required for election. Having obtained the required majority of votes, Shunji Yanai (Japan) (142 votes) and Jin-Hyun Paik (Republic of Korea) (130 votes) were elected. For the Group of Latin American and Caribbean States, out of 159 ballots cast, with 4 invalid ballots and 2 abstentions, a majority of 102 votes was required for election. Having obtained the required majority of votes, Alonso Gómez-Robledo Verduzco (Mexico) (118 votes) was elected. For the Group of Eastern European States, out of 159 ballots cast, with 0 invalid ballots and 14 abstentions, a majority of 97 votes was required for election. Having obtained the required majority of votes, Stanislaw Michal Pawlak (Poland) (145 votes) was elected. For the Group of Western European and other States, out of 159 ballots cast, with 4 invalid ballots and 1 abstention, a majority of 103 votes was required for election. Having obtained the required majority of votes, Tomas Heidar (Iceland) (154 votes) was elected.

[11] The Secretariat verified the quorum required for the election. The election required one round of balloting; 117 ballots were cast, with one invalid ballot and 5 abstentions. Rasik Ravindra (India) received 111 votes and was thus elected.

will serve for the remainder of the term of Mr. Rajan, namely from the date of election until 15 June 2017.

109. On behalf of the Meeting, the President congratulated Mr. Ravindra on his election.

IX. Report of the Secretary-General under article 319 of the United Nations Convention on the Law of the Sea

110. The Meeting considered the annual reports of the Secretary-General on oceans and the law of the sea (A/68/71/Add.1 and Corr.1 and A/69/71). Delegations expressed their appreciation to the Secretary-General and to the Division for the useful and comprehensive reports. A view was expressed that regrettably the only recent report available to the Meeting related to the topic of focus of the fourteenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (A/69/71).

111. Some delegations highlighted the central role of the Convention in setting out the legal framework within which all activities in the oceans and seas must be carried out, including by defining the areas of sovereignty and jurisdiction of coastal States, and in maintaining and strengthening peace, security, cooperation and friendly relations among Parties. The balance of rights and duties of States Parties under the Convention was underscored. Some delegations emphasized the importance of coastal States discharging their obligations of deposit and due publicity under the Convention.

112. Some delegations highlighted the work of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction. Emphasis was placed upon its mandate to make recommendations to the General Assembly on the scope, parameters and feasibility of an international instrument under the Convention. In this regard, a view was expressed that the Authority should be fully involved in the Ad Hoc Open-ended Informal Working Group. The active participation of States in meetings of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, was welcomed. States were urged to continue supporting the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, through financial contributions to the relevant trust fund.

113. Some delegations welcomed the consideration of the role of seafood in global food security in the context of the fifteenth meeting of the Informal Consultative Process and the accompanying report of the Secretary-General, especially in light of the importance of the sustainability of marine resources. Delegations recalled a wide range of issues of significance for governance of oceans and seas, including the challenges of illegal, unreported and unregulated fishing; pollution and degradation of the marine environment; climate change; and the disappearance of marine species, which affect the ecosystem balance in the oceans and therefore food security. A view was expressed that there was a linkage between food security and the root causes of piracy and armed robbery at sea off the coast of Somalia and therefore the international community needed to combat criminal activities at sea.

A delegation expressed concern over the seemingly indefinite delaying of the consideration of some submissions to the Commission on the basis of objections by other States under paragraph 5 (a) of annex I to the rules of procedure of the Commission.[12] It was suggested that the twenty-fifth Meeting might wish to consider establishing parameters that might guide further application of this provision. In this regard, a view was expressed that territorial disputes should be addressed through bilateral negotiations.

114. Attention was drawn to the importance of flag State compliance with the treaties related to maritime safety. The recent entry into force of the Maritime Labour Convention was welcomed. Some delegations noted with appreciation the preparations for the fourth commemoration on 25 June 2014 of the Day of the Seafarer by the International Maritime Organization.

115. Some delegations addressed recent developments in the South China Sea/East Sea. Among them, some delegations elaborated in detail on their respective positions regarding these developments. Among other things, States Parties were urged to respect the rights and interests of other States Parties in their respective maritime zones and for maritime disputes to be resolved peacefully under the Convention. A reference was made in this regard to the Declaration on the Conduct of Parties in the South China Sea. The need for bilateral cooperation in resolving maritime disputes was emphasized. A view was also expressed that bilateral disputes fell outside the purview of the Meeting of States Parties. Calls were made to respect the integrity of the Convention and to apply it in good faith, and the need to ensure stability in the region was underscored. After the closing of the list of speakers, some delegations took the floor to further clarify their positions, exercising their right of reply.[13]

116. Some delegations expressed appreciation for the capacity-building activities and training programmes offered by the Division, including through the United Nations, the Nippon Foundation Fellowship Programme of Japan and the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea. Delegations encouraged contributions to ensure the continuation of the Hamilton Shirley Amerasinghe Fellowship programme. In this connection, a proposal to include the Amerasinghe Fellowship in the regular budget of the United Nations was made.

117. Recalling the concern expressed by many delegations at the twenty-third Meeting over the initiative of the Secretary-General entitled, "Oceans compact: healthy oceans for prosperity", the decision not to undertake any activities under this initiative was noted with satisfaction. Some delegations stressed that the Division was the unit of the Secretariat with the expertise and overarching mandate in ocean affairs and law of the sea matters and that duplication of efforts should be avoided for the sake of efficiency in the work of the Organization.

118. Divergent views concerning the mandate of the Meeting to discuss matters of a substantive nature relating to the implementation of the Convention continued to be expressed. It was indicated that the Meeting had the full mandate to consider all issues pertaining to the application and implementation of the Convention. Other delegations were of the view that the Meeting should limit itself to the consideration of financial and administrative matters relating to the bodies established by the

[12] See also para. 81 above.
[13] See para. 121 below.

Convention, namely the Tribunal, the Authority and the Commission. Some delegations stressed that the Meeting should not be regarded as a forum for discussion and resolution of bilateral disputes concerning the application and interpretation of the Convention.

119. In response to a query from one delegation, clarification was provided by the Secretariat with regard to the publication of information and communications concerning maritime spaces received by the Division from both States Parties and non-Parties to the Convention. Among other things, it was pointed out that the posting of information on the website or publication in the *Law of the Sea Bulletin* did not imply the expression of any opinion whatsoever on the part of the Secretariat concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries. Publication of information concerning developments relating to the law of the sea emanating from actions and decisions taken by States did not imply recognition by the United Nations of the validity of the actions and decisions in question.

120. The importance of the website of the Division and the *Law of the Sea Bulletin* as an authoritative source of information on maritime spaces was highlighted by some delegations.

121. Once the list of speakers under the agenda item entitled "Report of the Secretary-General under article 319 of the United Nations Convention on the Law of the Sea" was closed, some delegations requested the floor in order to reply to certain statements.[14] In response to such requests, the President noted that the procedure for Meetings of States Parties provided for a right of reply,[15] but did not regulate in detail the modalities in which the right of reply was to be exercised. The President proposed that in such cases, the Meeting should seek guidance from the procedures and practices of other bodies, in particular, the General Assembly. Following this proposal, the Meeting decided to establish a practice, according to which the number of interventions in the exercise of the right of reply would be limited to two per agenda item, the first no longer than 10 minutes and the second no longer than 5 minutes.

122. The Meeting took note of the report of the Secretary-General under article 319 and decided that the same agenda item would be included in the provisional agenda of the twenty-fifth Meeting.

X. Other matters

Event in honour of the late Hamilton Shirley Amerasinghe

123. A delegation informed the Meeting about a round table that was being planned in Sri Lanka for the third quarter of 2014 to commemorate the twentieth anniversary of the entry into force of the Convention and to honour the work of the late Hamilton Shirley Amerasinghe. Invitations would be sent in due course.

[14] See para. 115 above.

[15] See rule 41 of the Rules of Procedure for Meetings of States Parties (SPLOS/2/Rev.4).

Information provided by the Secretariat

124. The Secretariat provided information on the current status and projected funding requirements of the voluntary trust funds established by the General Assembly to assist the work of the Commission and the Tribunal.

125. It was reported that, since the previous Meeting, a contribution had been received from Costa Rica to the Voluntary Trust Fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, in compliance with article 76 of the United Nations Convention on the Law of the Sea.

126. With regard to the Voluntary Trust Fund to assist States in the settlement of disputes through the International Tribunal for the Law of the Sea, a contribution had been made by Finland.

127. The Secretariat provided a brief overview of the status of several other trust funds administered by the Division, which contributed, inter alia, to the dissemination and wider appreciation of international law and provided financial assistance for the participation of representatives from developing countries to meetings held at United Nations Headquarters.[16] Regarding the Voluntary Trust Fund for the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, contributions had been received from China, Ireland, New Zealand, the Republic of Korea and the United Kingdom. Monaco and Slovenia had made contributions to the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea Trust Fund. A contribution had been received from New Zealand for the Voluntary Trust Fund for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, to attend meetings of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea.

128. The Secretariat expressed its gratitude to all States that had made contributions to the trust funds and reiterated the appeal to States and others that were in a position to do so to contribute to the trust funds administered by it. The Secretariat also called upon States for assistance in identifying intergovernmental organizations and institutions and natural and juridical persons, which or who would be in a position to contribute to the trust funds.

---

[16] Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea Trust Fund; Voluntary Trust Fund for the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects; Voluntary Trust Fund for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States to attend meetings of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea.